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Note verbale dated 21 March 2017 from the Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to provide herewith the comments of the Government of Greece in relation to the written statement submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status with the Economic and Social Council (A/HRC/34/NGO/108).

The Permanent Mission of Greece kindly requests the Office of the High Commissioner to circulate the present note verbale and its annex* as a document of the thirty-fourth session of the Human Rights Council under agenda item 3.

* Reproduced as received, in the language of submission only.

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Annex to the note verbale dated 21 March 2017 from the Permanent Mission of Greece to the United Nations Office and other international organizations in Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Comments of the Greek Government in relation to the written statement A/HRC/34/NGO/108 submitted by the Federation of Western Thrace Turks in Europe

"Articles 37 — 45 (Section III "Protection of Minorities") of the 1923 Lausanne Peace Treaty (which was ratified by Greece under the Decree A 238/1923 "on the ratification of the Lausanne Peace Treaty"), define the legal framework for the protection of the populations, which were not included in the Convention concerning the exchange of Greek and Turkish populations signed on January 30th, 1923, namely the Greek-orthodox Christians in Istanbul and the Muslims in Thrace.

Specifically, Article 2 of the Convention states that "The following persons shall not be included in the exchange provided for in Article 1: (a) the Greek inhabitants on Constantinople, (b) the Moslem inhabitants of Western Thrace. All Greeks who were established before October 30th, 1918 within the areas under the Prefecture of the City of Constantinople, as defined by the law of 1912, shall be considered as Greek inhabitants of Constantinople. All Moslem established in the region to the east of the frontier line laid down in 1913 by the Treaty of Bucharest shall be considered as Moslem inhabitants of Western Thrace."

Therefore, the minority in Thrace has a religious character. It consists of Greek — Muslim citizens and is governed by the Greek Constitution and the laws of the Hellenic Republic. In addition, the minority's protection is based on the full respect of the religious and cultural attributes of Muslim Greek citizens in Thrace, who, as Greek citizens, are protected by the Constitution and the Greek legislation whereas they are also subjected to the legal obligations and requirements of domestic law. The above mentioned eloquently display that the claims contained in the "Federation of Western Thrace Turks in Europe" written statement, with regard to the existence of a so-called Turkish minority in Thrace, are fallacious and misleading, since the relevant international documents exclusively qualify them as a Muslim minority.

Regarding the Ecumenical Patriarch, it needs to be pointed out that he is also the Archbishop of Istanbul, as determined by the Holy Canons of the Orthodox Church. Therefore, the same person has two positions. The latter (Archbishop of Istanbul) concerns the interior of the Orthodox Church in Turkey, while the former (Orthodox Ecumenical Patriarch) concerns Christianity as a whole, since the Ecumenical Patriarch is the first among equals in the Orthodox Church worldwide. The spiritual jurisdiction of the Ecumenical Patriarchate is neither limited to Istanbul, nor to Turkey, and that is the reason why his election is a global event.

The position of the Mufti is not equivalent to the position of Archbishop, and not even to the position of Bishop, given that he also exerts judicial powers. Therefore, it is obvious that it is not equivalent to the position of the Ecumenical Patriarch. The two positions are different in terms of importance and hierarchy; therefore there is no parallel between them, if only as it applies to fundamental religious freedoms.

Under the Greek Constitution, only the Treaties in force may oblige the country to enact laws in compliance with treaties themselves. The relevant provisions of the 1913 Treaty of Athens have been replaced by the 1923 Lausanne Treaty (1330/2001 Decision, Hellenic Council of State, 11.4.2001). The same is valid for Law 2345/1920 which has been abolished by Article 9 of Law 1920/1991. Under Law 1920/1991, 10 representatives of the Muslim minority in Thrace propose the Mufti to the Ministry of Education, Research

and Religious Affairs and then he is appointed by a Presidential Decree. With regard to the Orthodox Church, the Holy Synod of the Church proposes the bishops of the Orthodox Church of Greece to the above Ministry and then they are appointed by Presidential Decree, without the participation of its adherents.

The Holy Synod of the Church consists of 82 members. That is approximately one bishop per 130,000 Christian Orthodox. The 10 Muslim representatives provided by law 1920/1991 for each Mufti office consists of 30 representatives for the three Muslim offices, which approximately corresponds to 1 Muslim representative per 4,000 Muslims (on average between the three Mufti offices due to a different composition of the total population). It should be noted that no Muslim country follows an election process for Muftis.

With regard to law 4115/2013, the Islamic preachers have the right to teach the Holy Quran in public schools to Muslim students that so wish, meaning that the lesson of the Holy Quran is optional. Due to the fact that the regular course of religion is attended by Christian Orthodox, it should be clarified that the course of religion in public schools addressed to Orthodox Christians is not given by priests of the Orthodox Church but by theologians. The syllabus is not determined by the Church of Greece. It is determined by the State and the theologians are recruited and remunerated in the same way as all teachers in public schools. Greece offers the opportunity to any student who wishes to attend the lesson of the Holy Quran to do so.

Concerning allegations contained in the written statement in question with regard to what is happening in other religious communities in Greece, the following should be noted: the bishops of the Orthodox Church of Greece are not elected through general elections in which its adherents would participate, but through elections conducted by the Holy Synod in which only the Bishops of the Church of Greece have the right to vote. The bishops of the Catholic Church in Greece are not elected but selected by the Pope. Neither the Rabbis of the Jewish community are elected through elections involving all Greek Jews; instead they are selected by the boards of the Jewish communities.

From the above it is clear that in none of the cases mentioned, the religious leaders are being elected by their adherents but either their election is the choice of their supreme religious leader, or it is the choice of an electoral body, which is composed of religious officers, or a limited number of representatives from their community. And of course, there is another distinctive difference: none of the above is exerting judicial powers over his followers, as the Muftis in Greece do.

Therefore, the "Federation of Western Thrace Turks in Europe" requests from Greece to apply a preferential status for the Muslims of Thrace that is neither provided for in the Treaty of Lausanne, nor is followed by any other major religious community in Greece, nor is applied by any Islamic country in the world.